

## REMARKS

This Response is submitted in reply to the Non-Final Office Action dated January 2, 2009. Claims 1-10 and 12-22 are pending in this application and Claims 1-10 and 12-22 are rejected under 35 U.S.C. 103. In the amendment, Claims 1-10 and 12-22 have been canceled without prejudice or disclaimer and Claims 23-46 have been newly added. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

### Rejections under 35 U.S.C. 103

In the Office Action, Claims 1-10 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,032,001 to Herrod et al. ("Herrod").

Applicants respectfully submit that Claims 1-10 and 12-22 have been canceled without prejudice or disclaimer. Accordingly, Applicants request the obviousness rejections with respect to Claims 1-10 and 12-22 be reconsidered and the rejections withdrawn.

### New Claims

Applicants note that Claims 23-46 have been newly added. The amendment is fully supported by the specification. For example, support can be found at the following locations.

Independent Claims 23 and 32 are supported at paragraphs [0054]-[0077] and Figs. 9-10 of the published specification; moreover, similar language was contained in canceled Claims 1 and 6.

Claims 24-25 and 33-34 are supported at paragraphs [0083]-[0085] of the published specification; moreover, similar language was contained in canceled Claims 1, 2, 3, 6, 14, and 17.

Claims 26 and 35 are supported at paragraph [0055] of the published specification; moreover, similar language was contained in canceled Claim 4.

Claims 27 and 36 are supported at paragraph [0065] of the published specification (video camera); moreover, similar language was contained in canceled Claim 5.

Claims 28 and 37 are supported at paragraph [0070] of the published specification; moreover, similar language was contained in canceled Claims 12 and 15.

Claims 29 and 38 are supported at paragraph [0071] of the published specification; moreover, similar language was contained in canceled Claims 13 and 16.

Claims 30 and 39 are supported at paragraph [0065] of the published specification; moreover, similar language was contained in canceled Claim 8.

Claims 31, 40, 42, and 44 are supported at [0210] of the published specification; moreover, similar language was contained in canceled Claims 18-22.

Independent Claims 41 and 43 are supported at [0166]-[0199] and Figs. 24-25 of the published specification; moreover, similar language was contained in canceled Claims 7 and 9.

Independent Claims 45 and 46 are supported at [0166]-[0210] and Figs. 24-27 of the published specification; moreover, similar language was contained in canceled Claim 10.

*Independent Claims 23, 32, 41, and 43*

Regarding Claim 23, Applicants respectfully submit that Herrod fails to disclose or suggest, at a minimum, "sending the attached surrounding contexts and data items to an external apparatus for storing." Claims 32, 41, and 43 contain similar language. Herrod discloses "[a] web site can be instantaneously set up at the terminal via the internal server holding the report and other data" and the web "page is stored at the terminal." Herrod, column 7, lines 6-8 and 43-46. Thus, Herrod's report is stored at the terminal and not sent to an external apparatus for storing. In fact, Herrod teaches away from sending the attached surrounding contexts and data items to an external apparatus by disclosing "a police report of the scene of an incident, or an insurance operative report can be accessed actually on location at the incident rather than relying on transfer to a stand-alone server for creation of a web site at that level." Herrod, column 7, lines 18-22.

Further regarding Claim 23, Applicants respectfully submit that Herrod fails to disclose or suggest, at a minimum, "transmitting the captured surrounding contexts to the external apparatus for retrieving a data item stored in the external apparatus; and receiving the data item stored in the external apparatus based on the transmitted surrounding contexts." Claims 32, 41, and 43 contain similar language. Herrod discloses that a web site can be set up at the terminal and "a user wishing to find out about the news event merely needs to access the site via the network." Herrod, column 7, lines 1-10. As another example, Herrod discloses a fire alarm

terminal sending images of a scene to the fire department when the terminal detects a certain high temperature. Herrod, column 10, lines 1-16. However, Herrod is silent regarding the terminal retrieving a data item based on the transmitted surrounding contexts. In other words, Herrod's terminal transmits information to an external apparatus/user (news user or fire department) but the terminal itself never receives any information back from the external apparatus based on the transmitted surrounding contexts. Thus, Herrod's terminal is unable to receive a data item corresponding to the captured surrounding contexts by transmitting the captured surrounding contexts to an external apparatus as claimed.

#### *Independent Claims 45 and 46*

Regarding Claims 45 and 46, Applicants respectfully submit that Herrod fails to disclose or suggest "receiving location data, time data, keyword, and text data from an other apparatus; storing the location data, time data, keyword, and data including at least one of visual data, audio data and text data in a database in a corresponding manner, wherein the location data, time data, and keyword are attached as a retrieval key for retrieving data including at least one of visual data, audio data and text data; retrieving the database in response to a request from the other apparatus; and sending data including at least one of visual data, audio data and text data in a result of the retrieving" as claimed and fully supported by the specification.

Herrod merely discloses a terminal for acquiring data and creating a webpage, and external users being able to access the webpage. As discussed above, Herrod specifically teaches away from using the claimed apparatus, for example server 210 of the published specification. Herrod, column 7, lines 18-22. Illustratively, Herrod's terminal fails to receive information from an external apparatus (server) based on the detected position/location of the terminal itself. Rather, Herrod's terminal allows an external apparatus to obtain information about the terminal's position/location.

#### **Conclusion**


For at least the foregoing reasons, Applicants respectfully submit that independent Claims 23, 32, 41, 43, 45, and 46 and the claims that depend thereon are in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-434 on the account statement.

Respectfully submitted,

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